

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

SHARON FIELDS,]
Plaintiff,]
]
-vs- CA NO: 3:10-02136
]
]
COLTEC INDUSTRIES, INC.]
]
Defendant.]
_____]

This is a employment discrimination case filed by the plaintiff, Sharon Fields, on August 16, 2010. The plaintiff alleges a claim for retaliation in violation of pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S. C. §§ 20003 et. seq. and the Age Discrimination Employment Act, 29 U.S.C. §§ 621 et. seq. The plaintiff asserts that she was terminated by the defendant in retaliation for her protected activity in complaining of harassment and discrimination because she was an older black female employee and had planned to file a charge with the EEOC. She seeks *inter alia* injunctive relief as well as monetary damages. The defendant has filed a motion pursuant to Rule 12(b)(6) of the Federal Rules of Civil Proceeding asking the Court to dismiss the plaintiff's amended complaint. The matter is now before the Court upon the Report and Recommendation of the United States Magistrate Judge recommending denial of the defendant's motion to dismiss.

As to his findings on dispositive matters, the Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the

responsibility to make a final determination remains with the court. See Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Recommendation to which specific objection is made.

Here, plaintiff has not filed objections to the Report and Recommendation. Nonetheless, this Court has made a *de novo* review of the record before it.

Upon careful consideration, the Report and Recommendation of the Magistrate Judge is approved. For the reasons set forth in the Report and Recommendation of the Magistrate Judge, the defendant's motion to dismiss is DENIED.

IT IS SO ORDERED.

s/MATTHEW J. PERRY, JR.
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
April 12, 2011.